

Amendments to the Drawings

The attached sheets of drawings include new corrected drawings in compliance with 37 CFR § 1.121(d) of Figures 1 thru 10. If these drawings do not satisfy these requirements, it is respectfully requested that these drawings be considered informal for purposes of examination, with new formal drawings being submitted upon allowance.

Attachment: Replacement Sheets

Remarks/Arguments

This paper addresses the issues raised in the Office Action mailed 20 September 2004. This amendment is submitted in compliance with the guidelines of the revised amendment practice. See 1267 Off. Gazette 106.

Claims 32-35 are currently pending. The Examiner indicated the drawings received on April 8, 2004 were approved, but new corrected drawings would need to be submitted. Claims 32-35 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 32 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Perali et al (USPN 4,914,762) in view of Marrone (USPN 5,007,449). Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Perali et al in view of Marrone and Greywacke (USPN 3,368,560). Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Perali et al in view of Marrone and Jaw (USPN 5,343,889). Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the prior art as applied to Claim 34, and further in view of Gewecke. Claims 32-34 have been amended. New Claims 36-41 have been added. No new matter has been added. As set out below, Applicant respectfully submits that the present invention as claimed is patentable over the cited art and urges the Examiner to reconsider the pending rejections.

Drawings

The Examiner has initially indicated that the drawings filed on April 8, 2004 were accepted, but new corrected formal drawings were required. Accordingly, new corrected formal drawings are attached hereto. In the event the Examiner requires additional information or has any comments or questions, it is respectfully submitted that he contact the undersigned.

Claims Rejection - 35 U.S.C. § 112, second paragraph

Examiner Wright has rejected Claim 32-35 under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, the use of “closure means” in the claims failed to meet the 3-prong analysis of a “means plus function” claim. Such claims have been amended to address this rejection. No surrender of equivalents is intended. Reconsideration of this rejection is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a); Claim 32

Examiner Hylton rejected Claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Perali et al (USPN 4,914,762) in view of Marrone (USPN 5,007,449). In making this rejection, Examiner Hylton stated that Perali disclosed all aspects of this claim except for a transfigurable slit disposed near the sealed end of the hollow cylinder. However, according to the Examiner, Marrone so discloses and is obvious to combine these references.

Perali teaches an inflatable air cushion having a truncated pyramid structure for use with seats, beds and mattresses. Perali utilizes the truncated pyramid structure to maintain an optimal placement while in use. There is no teaching, suggestion or motivation to include liquid cleanser, such as liquid soap, inside this air cushion. Moreover, this reference only teaches or suggests its structural design to be used as a cushion. The inclusion of the Marrone closure does not include, suggest, teach or provide any motivation for the inclusion of a liquid cleanser inside neither the Perali or its container disclosed therein.

The present invention, as set forth in Claim 32, as amended, discloses a flexible container having a chamber containing a liquid cleanser. This liquid cleanser is a different, non-disclosed composition of matter than the liquid disclosed in Perali. This is due to Perali being structurally designed for improved lumbar support while sitting. It is respectfully

submitted that Perali does not suggest or teach the use of a liquid cleanser. Accordingly, the combination of Perali and Marrone do not disclose, teach or suggest all the elements of Claim 32, as amended. Reconsideration of this rejection is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a); Claim 33

Examiner Hylton rejected Claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Perali et al in view of Marrone and Greywacke (USPN 3,368,560). In making this rejection, Examiner Hylton stated that Perali disclosed all aspects of this claim except for a transfigurable slit disposed near the sealed end of the hollow cylinder nor teach a hanging means on the flexible container. However, according to the Examiner, Marrone discloses the transfigurable slit and Gewecke discloses the hanging means, and it is obvious to combine these references. As set out below, Applicant traverses this rejection and seeks reconsideration.

Claim 33 was amended to depend from Claim 32, but contains the same limitations, i.e. a hanger, as previously presented. No surrender of equivalents is intended.

As set out above, Perali does not disclose the inclusion of liquid cleanser. The inclusion of Marrone and Greywacke do not provide any teaching, suggestion or motivation for for the inclusion of liquid cleanser with the container of Perali. Accordingly, it is respectfully submitted that these references do not render Claim 33, as amended, unpatentable. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a); Claim 34

Examiner Hylton rejected Claim 34 under 35 U.S.C. § 103(a) as being unpatentable over Perali et al in view of Marrone and Jaw (USPN 5,343,889). In making this rejection, Examiner Hylton stated that Perali disclosed all aspects of this claim except for a transfigurable slit

disposed near the sealed end of the hollow cylinder nor teach a flared end into which the cylinder is retractable. However, according to the Examiner, Marrone discloses the transfigurable slit and Jaw discloses the flared end, and it is obvious to combine these references. Applicant traverses this rejection and seeks reconsideration.

Claim 34 was amended to include liquid cleanser to be included within the bag body. As set out above, Perali does not disclose the inclusion of liquid cleanser. The inclusion of Marrone and Jaw do not provide any teaching, suggestion or motivation for the inclusion of liquid cleanser with the container of Perali. Accordingly, it is respectfully submitted that these references do not render Claim 34, as amended, unpatentable. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a); Claim 35

Examiner Hylton rejected Claim 35 under 35 U.S.C. § 103(a) as being unpatentable over the prior art as applied to Claim 34, and further in view of Gewecke. In making this rejection, Examiner Hylton stated that Perali disclosed all aspects of this claim except for a transfigurable slit disposed near the sealed end of the hollow cylinder, a hanging means on the flexible container or a flared end into which the cylinder is retractable. However, according to the Examiner, Marrone discloses the transfigurable slit, Gewecke discloses the hanging means and Jaw discloses the flared end, and it is obvious to combine these references. Applicant traverses this rejection and seeks reconsideration.

As set out above, Perali does not disclose the inclusion of liquid cleanser. The inclusion of Marrone, Jaw and Greywacke do not provide any teaching, suggestion or motivation for for the inclusion of liquid cleanser with the container of Perali. Accordingly, it is respectfully submitted that these references do not render Claim 35 unpatentable. Reconsideration is


respectfully requested.

New Claims 36-41

New Claims 36-41 have been added. No new matter has been added. New Claims 36-41 include the limitations of at least one insert being suspended within the liquid cleanser (Claims 36, 38 and 40), and the inserts being of a predetermined size that prevents the expulsion of the inserts from the container via the valve (Claims 37, 39 and 41). It is respectfully submitted that the cited references do not disclose, teach or suggest the inclusion of inserts within the liquid/gas contained within their containers. Accordingly, it is respectfully submitted these claims are in condition for allowance.

New Claim 42 provides the chamber contains a liquid emulsifier. As set out above, none of the cited references do not disclose, teach or suggest the inclusion of liquid emulsifiers within their containers. Accordingly, it is respectfully submitted these claims are in condition for allowance.

New Claims 43-44 provide that the flexible members, which define the chamber, form a recognizable shape according to a predetermined plan, and this predetermined plan can be selected from the group of animal designs, geometric shapes and flower designs. As set out above, none of the cited references do not disclose, teach or suggest the containers being formed into a predetermined plan that includes animal designs, geometric shapes and flower designs. Accordingly, it is respectfully submitted these claims are in condition for allowance.

Respectfully submitted,

Brent A. Capehart
Reg. No. 39,620

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LARIVIERE, GRUBMAN & PAYNE, LLP
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940
831/ 649 8800
Fax 831/ 649 8835